

Essential HR Policies

Special Report



Special Report

TABLE OF CONTENTS

- 3** WHAT HR POLICIES DO WE NEED TO HAVE IN OUR PROVINCE?
- 4** MUST-HAVE HR POLICIES FOR FEDERALLY REGULATED EMPLOYERS
- 6** MUST-HAVE HR POLICIES FOR ALBERTA EMPLOYERS
- 8** MUST-HAVE HR POLICIES FOR BC EMPLOYERS
- 10** MUST-HAVE HR POLICIES IN ONTARIO
- 13** 10 HR POLICIES YOU SHOULD AUDIT RIGHT NOW
- 17** CAN I FIRE AN EMPLOYEE FOR BREAKING OUR POLICY?
- 20** ADDITIONAL MATERIALS



What HR policies do we need to have in our Province?

That is the one question we at HR Insider get the most. The basic answer is that you need policies to ensure compliance with your jurisdiction's employment standards, human rights and OHS regulations, as well as the so-called common law which governs issues like termination, employment contracting and general workplace conduct. However, there are also slight variations by province. So,

we've decided to create a Checklist of essential HR policies in each Province/Territory of Canada. Here's a version for federally regulated employers subject to the Canada Labour Code.

Policies marked with * are required by law.

Must-Have HR Policies for Federally Regulated Employers

- Anti-Discrimination Policy (you can also have separate policies for [racial](#), [sex](#), [age](#), disability, [sexual orientation](#), gender identity and expression, religion, family status, criminal background and other protected characteristics)
- [Reasonable Accommodations Policy](#)
- [Equal Pay for Equal Work Policy*](#)
- [Workplace Accessibility Policy*](#)
- [Bullying & Cyberbullying Policy](#)
- [Workplace Violence & Harassment Policy*](#)
- [Domestic Violence in the Workplace Policy*](#)
- Respectful Workplace Policy
- Personal Privacy in the Workplace Policy
- [Computer, Social Networking & Internet Use Policy](#)
- Workplace Data Security Policy
- [Flexible Benefits/Telecommuting/Work from Home Policy](#)
- [Substance Abuse, Impairment & Fitness for Work Policy](#)
- [Drug & Alcohol Testing Policy](#)
- [Genetic Testing Policy*](#)
- [Attendance & Absenteeism Policy](#)
- [Hours of Work & Work Schedule Policy](#)
- [General HR Code of Conduct](#)
- [Progressive Discipline Policy](#)
- Work Hours & Overtime Policy
- Payment of Wages Policy
- Vacation Policy

- General & Statutory Holidays Policy
- [General Leaves of Absence Policy*](#)
- [Maternity & Parental Leave Policy](#)
- [Compassionate Care Policy](#)
- [Child Death or Disappearance Leave Policy](#)
- [Personal & Sick Leave Policy](#)
- [Family Violence Leave Policy](#)
- [Bereavement Leave Policy](#)
- [Court & Jury Duty Leave Policy](#)
- [Military Reservist Leave Policy](#)
- [Termination of Employment Policy](#)
- [Non-Retaliation/Reprisals Policy*](#)
- [General Occupational Health and Safety Policy*](#)
- [Children in the Workplace Policy](#)
- [Group Benefits Plans Policy](#)
- [Business & Travel Expenses Policy](#)
- [Conflict of Interest Policy](#)
- [Gifts, Favors & Entertainment Policy](#)
- [Smoking in the Workplace Policy](#)
- [Off-Duty Conduct Policy](#)
- [Dress Code & Personal Appearance Policy](#)
- [Performance Review & Management Policy](#)
- [Inclement Weather Policy](#)
- [Bring Your Own Device Policy](#)
- [Use of Cell Phones in the Workplace Policy](#)

Nice-to-Have HR Policies for Federally Regulated Employers

- Lie Detectors in the Workplace Policy
- [Visitors Safety & Rules of Conduct Policy](#)

Must-Have HR Policies for Alberta Employers

- Anti-Discrimination Policy (you can also have separate policies for [racial](#), [sex](#), [age](#), disability, [sexual orientation](#), gender identity and expression, religion, family status, criminal background and other protected characteristics)
- [Reasonable Accommodations Policy](#)
- [Equal Pay for Equal Work Policy*](#)
- [Workplace Accessibility Policy*](#)
- [Bullying & Cyberbullying Policy](#)
- [Workplace Violence & Harassment Policy*](#)
- [Domestic Violence in the Workplace Policy*](#)
- Respectful Workplace Policy
- Personal Privacy in the Workplace Policy
- [Computer, Social Networking & Internet Use Policy](#)
- Workplace Data Security Policy
- [Flexible Benefits/Telecommuting/Work from Home Policy](#)
- [Substance Abuse, Impairment & Fitness for Work Policy](#)
- [Drug & Alcohol Testing Policy](#)
- Genetic Testing Policy*
- [Attendance & Absenteeism Policy](#)
- [Hours of Work & Work Schedule Policy](#)
- [General HR Code of Conduct](#)
- [Progressive Discipline Policy](#)
- Work Hours & Overtime Policy
- Payment of Wages Policy
- Vacation Policy

- General & Statutory Holidays Policy*
- [General Leaves of Absence Policy*](#)
- [Maternity & Parental Leave Policy](#)
- [Compassionate Care Policy](#)
- [Child Death or Disappearance Leave Policy](#)
- [Personal & Sick Leave Policy](#)
- [Family Violence Leave Policy](#)
- [Bereavement Leave Policy](#)
- [Court & Jury Duty Leave Policy](#)
- [Military Reservist Leave Policy](#)
- [Termination of Employment Policy](#)
- [Non-Retaliation/Reprisals Policy*](#)
- [General Occupational Health and Safety Policy*](#)
- [Group Benefits Plans Policy](#)
- [Business & Travel Expenses Policy](#)
- [Conflict of Interest Policy](#)
- [Gifts, Favors & Entertainment Policy](#)
- [Smoking in the Workplace Policy](#)
- [Off-Duty Conduct Policy](#)
- [Dress Code & Personal Appearance Policy](#)
- [Performance Review & Management Policy](#)
- [Inclement Weather Policy](#)
- [Bring Your Own Device Policy](#)
- [Use of Cell Phones in the Workplace Policy](#)

Nice-to-Have HR Policies in Alberta

- Lie Detectors in the Workplace Policy
- [Visitors Safety & Rules of Conduct Policy](#)
- [Children in the Workplace Policy](#)

Must-Have HR Policies for BC Employers

- Anti-Discrimination Policy (you can also have separate policies for [racial](#), [sex](#), [age](#), disability, [sexual orientation](#), gender identity and expression, religion, family status, criminal background and other protected characteristics)
- [Reasonable Accommodations Policy](#)
- [Equal Pay for Equal Work Policy*](#)
- [Workplace Accessibility Policy](#)
- [Bullying & Cyberbullying Policy](#)
- [Workplace Violence & Harassment Policy*](#)
- [Domestic Violence in the Workplace Policy*](#)
- Respectful Workplace Policy
- Personal Privacy in the Workplace Policy
- [Computer, Social Networking & Internet Use Policy](#)
- Workplace Data Security Policy
- [Flexible Benefits/Telecommuting/Work from Home Policy](#)
- [Substance Abuse, Impairment & Fitness for Work Policy](#)
- [Drug & Alcohol Testing Policy](#)
- [Attendance & Absenteeism Policy](#)
- [Hours of Work & Work Schedule Policy](#)
- [General HR Code of Conduct](#)
- [Progressive Discipline Policy](#)
- Work Hours & Overtime Policy
- Payment of Wages Policy
- Vacation Policy
- [General Leaves of Absence Policy*](#)

- [Maternity & Parental Leave Policy](#)
- [Compassionate Care Policy](#)
- [Child Death or Disappearance Leave Policy](#)
- [Personal & Sick Leave Policy](#)
- [Family Violence Leave Policy](#)
- [Bereavement Leave Policy](#)
- [Court & Jury Duty Leave Policy](#)
- [Military Reservist Leave Policy](#)
- [Termination of Employment Policy](#)
- [Non-Retaliation/Reprisals Policy*](#)
- [General Occupational Health and Safety Policy*](#)
- [Gifts, Favors & Entertainment Policy](#)
- [Smoking in the Workplace Policy](#)
- [Off-Duty Conduct Policy](#)
- [Dress Code & Personal Appearance Policy](#)
- [Performance Review & Management Policy](#)
- [Inclement Weather Policy](#)
- [Bring Your Own Device Policy](#)
- [Use of Cell Phones in the Workplace Policy](#)

Nice-to-Have HR Policies in BC

- Lie Detectors in the Workplace Policy
- [Visitors Safety & Rules of Conduct Policy](#)
- [Children in the Workplace Policy](#)
- [Group Benefits Plans Policy](#)
- [Business & Travel Expenses Policy](#)
- [Conflict of Interest Policy](#)

Must-Have HR Policies in Ontario

- Anti-Discrimination Policy (you can also have separate policies for [racial](#), [sex](#), [age](#), disability, [sexual orientation](#), gender identity and expression, religion, family status, criminal background and other protected characteristics)
- [Reasonable Accommodations Policy](#)
- [Equal Pay for Equal Work Policy*](#)
- [Workplace Accessibility Policy*](#)
- [Bullying & Cyberbullying Policy](#)
- [Workplace Violence & Harassment Policy*](#)
- [Domestic Violence in the Workplace Policy](#)
- Respectful Workplace Policy
- Personal Privacy in the Workplace Policy
- [Computer, Social Networking & Internet Use Policy](#)
- Workplace Data Security Policy
- [Employee Right to Disconnect Policy*](#)
- [Use of Digital Monitoring Technology in the Workplace Policy*](#)
- [Flexible Benefits/Telecommuting/Work from Home Policy](#)
- [Substance Abuse, Impairment & Fitness for Work Policy](#)
- [Drug & Alcohol Testing Policy](#)
- [Attendance & Absenteeism Policy](#)
- [Hours of Work & Work Schedule Policy](#)
- [General HR Code of Conduct](#)
- [Progressive Discipline Policy](#)

- Work Hours & Overtime Policy
- Payment of Wages Policy
- Vacation Policy
- General & Statutory Holidays Policy
- [General Leaves of Absence Policy*](#)
- [Maternity & Parental Leave Policy](#)
- [Compassionate Care Policy](#)
- [Child Death or Disappearance Leave Policy](#)
- [Personal & Sick Leave Policy](#)
- [Family Violence Leave Policy](#)
- [Bereavement Leave Policy](#)
- [Court & Jury Duty Leave Policy](#)
- [Military Reservist Leave Policy](#)
- [Termination of Employment Policy](#)
- [Non-Retaliation/Reprisals Policy*](#)
- [General Occupational Health and Safety Policy*](#)
- [Visitors Safety & Rules of Conduct Policy](#)
- [Children in the Workplace Policy](#)
- [Group Benefits Plans Policy](#)
- [Business & Travel Expenses Policy](#)
- [Conflict of Interest Policy](#)
- [Gifts, Favors & Entertainment Policy](#)
- [Smoking in the Workplace Policy](#)
- [Off-Duty Conduct Policy](#)
- [Dress Code & Personal Appearance Policy](#)
- [Performance Review & Management Policy](#)
- [Inclement Weather Policy](#)
- [Bring Your Own Device Policy](#)
- [Use of Cell Phones in the Workplace Policy](#)

Nice-to-Have HR Policies in Ontario

- Lie Detectors in the Workplace Policy

If you're looking for any of the policies that is not linked in this report, please send a special request to:

info@hrinsider.ca



10 HR Policies You Should Audit Right Now

HR laws are changing fast—ensure your key policies are up to date and legally sound.

The pandemic may have distracted attention from key employment law and societal changes taking place in Canada right now—both COVID- and NON-COVID-related. As HR director, it's incumbent on you to ensure that your company is monitoring and, if necessary, revising its HR policies to keep up with these developments. Here's a rundown of the 10 policies you should be auditing right now (along with links to analysis and policy templates on the HRI site).

1. Workplace Harassment Policy

The traditional workplace harassment policy is quickly becoming obsolete as a result of sweeping new OHS laws, most notably [Bill C-65](#), which took effect for federally regulated employers on January 1. But new harassment laws have or soon will go into effect in a number of other jurisdictions, including New Brunswick, Newfoundland, Prince Edward Island, Québec and Yukon. **What To Do:** Review your current [harassment policy](#), particularly the provisions dealing with [hazard assessment](#) and [investigating complaints](#).

2. Telecommuting & Work from Home Policy

Although the pandemic didn't start the telecommuting revolution, it sure accelerated it. One of the unforeseen effects has been to extend employers' [OHS duties](#) to the home office, at least in [some jurisdictions](#). **What To Do:** Make sure you have proper policies for [approving telecommuter arrangements](#) and ensuring that [telecommuters work safely](#)—which can be separate or combined into one policy.

3. Cyberbullying & Harassment Policy

A court in Ontario created a new online harassment tort. **Translation:** Victims of online harassment can sue for money damages. And that may include [employee lawsuits against employers](#) when harassment occurs in or by somebody in the workplace. **What To Do:** Be sure you have a clear [written policy](#) on cyberbullying and online harassment.

4. COVID-19 Vaccination Policy

Based on cases involving flu and other infectious illnesses, it may be justifiable for employers to make their employees get a COVID vaccine. **What To Do:** First, [make sure a mandatory vaccine policy is an option](#) for your workplace and situation; and, if it is, implement a [legally sound policy](#). The other option is to strongly encourage [but not require vaccination](#) and minimize your liability risks if employees refuse.

5. COVID-19 Workplace Infection Control Policy

Until the pandemic comes to an official end, businesses will be at risk of fines and even shutdown orders if they fail to

“ ***Until the pandemic comes to an official end, businesses will be at risk of fines...*** ”

[implement a plan to prevent COVID-19 at the workplace](#). **What To Do:** Make sure you have a proper plan that incorporates all elements of current COVID public health guidelines, including [hygiene and cleaning, social distancing, workplace screening](#) and [mandatory facemasks](#).

6. Attendance & Punctuality Policy

For many, if not most HR directors, ensuring employees show up for work on schedule and [on time](#) remains the primary challenge. But without the right policies, you have absolutely no chance of [controlling absenteeism](#). **What To Do:** Make sure your organization has legally sound [attendance, absenteeism](#) and [punctuality](#) policies.

7. Workplace Drug & Alcohol Use Policies

Legalization of marijuana and recent court cases have changed the legal parameters of keeping employees sober at work. Zero tolerance, while still defensible in principle, has become unworkable as a practical policy thanks to marijuana legalization, privacy and

disability discrimination laws. **What To Do:** In addition to [keeping on top of the key new court cases on workplace drug testing](#), there are 2 crucial policies you need to control workplace drug use: i. a [fitness for duty policy](#); and ii. an [alcohol/drug testing policy](#).

8. Social Media Use Policy

Contrary to what many employees believe, social media activity is subject to discipline even when it happens off-duty and away from work. But you can't do it unless you have the [right policy](#). **What To Do:** Make sure you have a clearly worded, legally sound policy on employee use of [company computers](#) and [social media](#).

9. Domestic Violence Leave Policy

Just about every jurisdiction has now adopted employment standards laws giving employees the right to take leave, in some cases paid, to deal with domestic violence. **What To Do:** Make sure your [domestic violence leave policy](#) is up to date with the laws of your particular jurisdiction.

10. Use of Work Time & Time Theft Policy

Courts across the country are finally recognizing what organizations and their HR directors have known for years: employee time theft is a serious problem. Recent cases have marked out [the path to follow to hold employees accountable and discipline them for time theft](#). Contrary to what many employees believe, social media activity is subject to discipline even when it happens off-duty and away from work. But you can't do it unless you have the [right policy](#). **What To Do:** Make sure your organization has [a policy that](#) expressly addresses time theft and spells out the potential consequences for employees who engage in it.




Can I Fire An Employee For Breaking Our Policy?

Many employers establish policies that they expect their employees to follow, but a policy is not likely to be followed if there are no consequences for an employee who chooses not to do so. If an employer wants to use the stick of discipline and possible termination of employment for cause for a breach of policy, the employer should take note of the following guidance.

In order to establish just cause for the breach of a policy (in a non-union

context), an employer must be able to prove that:

- the employee breached the policy;
- the employer distributed the policy to the employee;
- the employee was aware of the policy;
- the policy is unambiguous;
- the employer consistently enforced the policy;
- the employee knew that they



might be dismissed (or otherwise disciplined) if they did not follow the policy (an employer must be clear and should use words to the effect of, “A breach of this policy may result in discipline up to and including termination of your employment for just cause.”);

- the policy is reasonable; and
- a breach of the policy is serious enough to justify dismissal.

In my experience, many employers do not pay enough attention to these particular requirements: (i) distributing the policy to employees, (ii) making the employees aware of the policy, and (iii) consistent enforcement of the policy.

It is not sufficient to simply post a hard copy of a policy on the lunch room bulletin board or an electronic version on the company intranet or even to pass out or email policies to an employee

when they are hired or when a new or changed policy is brought into force. Rather, a prudent employer will ensure that each employee who is subject to the policy will, as part of their initial training and orientation, review the policy and confirm, in writing, that they have read and understood it. Better yet, both the employee and a supervisor will confirm, in writing, that the policy was reviewed with the employee and training was given on the policy. That same review and training should be confirmed periodically throughout the employee’s career and particularly whenever a policy is changed or updated (and the employee will specifically acknowledge receiving and being trained on the specific version that has been changed or updated). The acknowledgement of receipt of the policy and training should be kept in the employee’s personnel file with specific reference to the version of the policy that the employee has reviewed and on which they have received training.

An employer must also be careful not to let favoritism or biases creep into the way they mete out discipline for an infraction of the policy. While it is always important

to consider all the circumstances of the breach and any mitigating factors, if similarly situated employees are treated differentially, a court or tribunal is unlikely to uphold a termination for cause for one employee when another employee guilty of similar misconduct received a lesser sanction or none at all. For this reason, a prudent employer will keep a record of the discipline given to various employees for policy breaches so that they can maintain consistency with prior discipline when similar circumstances arise.

Additional Materials

If we did not cover your Jurisdiction in this report, use your trial access and click on the link to find the required policies for your Province/Territory.

[Manitoba](#)

[Saskatchewan](#)

[Quebec](#)

[Prince Edward Island](#)

[New Brunswick](#)

[Yukon](#)

[Nunavut](#)

[Northwest Territories](#)



Essential HR Policies

Special Report



HR Insider
104-2510 Government St
Penticton, BC
Canada, V2A 4W6
1.800.667.9300

sales@HRInsider.ca
www.HRInsider.ca